



In the US Patent and Trademark Office

Petition under 37 CFR 1.47 Filing when an Inventor Refuses to Sign

Application No.: 10/685,993
Filing Date: 10/14/2003
Inventors: Leonid N. Grigorov et al.
Title: Highly Conductive Macromolecular Materials and Improved Methods for Making Same
Attorney Docket: RTS-103/CIP

To: Commissioner for Patents
P. O. Box 1450, Alexandria, VA 22313-1450

Sir:

This is a petition under the provision of 37 CFR 1.47 to file the above referenced patent application in case that one of the inventors refuses to sign.

The following documents are enclosed herewith:

- Statement of facts verified and signed by a person having first hand knowledge of the facts herein
- Attachments 1, 2 and 3 to the Statement
- Petition fee set forth in 37 CFR 1.17(h)

Respectfully Submitted,

Tianhau Gu

Tianhau Gu

Reg. No. 52,480

Lumen

Tel. No. 650-424-0100

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STATEMENT OF FACTS:

Named inventor(s) of above referenced application No. 10/685,993:

Leonid N. Grigorov, A. Ze'ev Hed, Dmitry N. Rogachev, Kevin P. Shambrook and Alan W. Tamarelli.

Name and address of inventor who **refuses** to sign the above referenced application:

Leonid N. Grigorov

Home Address:

210 Butterfield Drive, Novato, CA 94945

Phone: 415-209-0209 (home)

Email: "L Grigorov" <L_Grigorov@msn.com>

Co-inventor Leonid N. Grigorov is an ex-employee of Room Temperature Superconductors, Inc., the assignee of the above referenced application (10/685,993).

On May 24, 2004, Michael J. Shambrook, the Company Secretary, sent Leonid N. Grigorov an email to ask an appointment for reviewing application documents, signing a declaration and signing an assignment before a notary. (See Statement and Attachment 1)

On May 26, 2004, Michael J. Shambrook mailed the application documents, declaration and assignment to Leonid N. Grigorov's home address by the UPS Overnight. (See Statement)

On May 27, 2004, Leonid N. Grigorov replied to Michael J. Shambrook by an email. He stated that he like to discuss this matter with CEO only. Mark Goldes, the CEO of the company, replied to Leonid N. Grigorov on the same day, offering to meet with him at his convenient time. (See Statement and Attachment 2)

On May 28, 2004, Leonid N. Grigorov replied to Mark Goldes stating that he would not sign the declaration and assignment until received the money that he believed the company owed him. (See Attachment 3)

The company disagrees owing money to Leonid N. Grigorov, and states Leonid N. Grigorov's claim was rejected by the Labor Commissioner. (See Statement)

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information or belief are believed to be true.

Respectfully submitted,

Tianhau Gu

Tianhau Gu, Reg. No. 52,480

Lumen

RTS Room Temperature Superconductors Inc.

June 4, 2004



Tian Hua Gu
Lumen Intellectual Property Services
2345 Yale Street, Second Floor
Palo Alto, CA 94306

Grigorov: Refusal to sign as an inventor on Application No 10/685,993
Petition under 37 CFR 1.47, "Filing when an Inventor Refuses to Sign."

Dear Tian:

On 5/24/2004 I sent Dr. Grigorov an email which asked him to meet with me to read and obtain notarized signatures on the above referenced application. (See attachment 1)

On 5/26/2004 I sent the above to his home address using UPS Overnight.

On 5/27/2004 Dr. Grigorov replied by email stating he would speak with Mark Goldes, who is the CEO of the Company. Mark replied the same day offering to meet with Dr. Grigorov at his convenience (both emails are combined as attachment 2)

On 5/28/2004 Dr Grigorov replied stating that he would not sign until he had received money he believes he is owed (attachment 3). Our position has been very clear that he is not owed the amounts he states. His claim was rejected by the labor commissioner.

Dr. L Grigorov's home contact information is:

Leonid N. Grigorov, Ph.D., D.Sc.
210 Butterfield Drive
Novato, CA 94945
415-209-0207
"L Grigorov" <L_Grigorov@msn.com>

This is a true and accurate record of the refusal of Dr Grigorov to sign as Inventor the documents requested for application No 10/685,993

A handwritten signature in black ink, appearing to read "Michael J. Shambrook".

Michael J. Shambrook
Company Secretary

RTS Room Temperature Superconductors Inc.

Attachment 1

5/25/2004 email

Dear Leonya:

We have received the latest CIP back from the Patent office. It contains 195 claims, is about 75 pages long, and there are 5 inventors listed including yourself and Kevin

As a co-inventor we would like your signature. We believe this would be in all our interests.

The paperwork was received from Lumen yesterday and is required by Lumen in one week, as the filing date is June 1 by them.

I suggest that the two of us meet at a local (Novato) hotel or a convenient location where you can go through the patent at your leisure, (this will take you some time, no doubt) and then go to a notary to get your signature notarized. I shall be alone, however, I would be happy if Raya wishes to meet with us also.

I am attending night school on Monday, Wednesday and Thursday evenings, and would need to leave Novato at 4PM on those days; otherwise I have an open schedule, except that the last day, 6/1 is out as I am picking Younie up from the airport.

May I suggest a morning meeting at 9:30 would work best for all of us...

Please feel free to phone me on my cell if you wish, 707-235-7237

Michael

Attachment 2

5/27/2004,

Mike,

I do not think you are the right person to discuss this matter. I could talk to CEO only.

L.Grigorov, Ph.D., Sc.D

May 27, 2004 4:22 PM

To: L_Grigorov Grigorov

Leonya,

I am certainly available to meet with you, (and possibly Raya), in Novato instead of Michael.

What dates would you suggest?

Mark

RTS Room Temperature Superconductors Inc.

Attachment 3

Fri, 28 May 2004 08:14:54 -0700

Dear Mark,

As you have been previously informed since July 2000 your company owes me following money:

- i) Non paid salary related to my work in February 1999 - July 2000 and calculated on the basis \$120,000 per year written in official paper signed by you;
- ii) Money company borrowed from me to pay Sergey's and Dmitrii's salaries for few months in spring 1999.

One year ago both summarized points i) and ii) constituted roughly \$100,000. This sum included both principal debt amount and 10% interest since July 2000. (Exact numbers were provided before in 2003).

I regret to inform you that due to 10% interest said unpaid debt of your company has increased in current year 2004 and constitutes now \$110,000.

So, this debt has to be paid in full if you want me to think that I am dealing with decent people. Check for amount shown above has to be sent to my address by mail.

Any other matters related to interaction between me and your company may be discussed only after I receive this check. (Emphasis added by MJS)

Sincerely,
Leonid Grigorov.